

Message Text

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ORIGIN NRC-07

INFO OCT-01 NEA-10 ISO-00 OES-06 ACDA-10 PM-04 L-03
CIAE-00 INR-07 IO-13 NSAE-00 NSC-05 EB-08 DODE-00
ERDA-07 FEA-01 /082 R

DRAFTED BY USNRC:JDLAFLEUR, JR.
APPROVED BY OES/NET/IM:D B HOYLE
ACDA: R WILLIAMSON
NEA/IRN: C NAAS
PM/NPO: J MCGUINNESS
L/OES: C SIEGAL
L: MR. A W ROVINE
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P 292253Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN PRIORITY

UNCLAS STATE 069648

EMBASSY PLEASE PASS TO SCIATT

E.O. 11652: N/A

TAGS: TECH, IR

SUBJECT: PROPOSED NRC-AEOI NUCLEAR SAFETY ARRANGEMENT

REF: TEHRAN 2421

1. SUMMARY: EMBASSY REQUESTED TO CONTACT DR. FARZIN OF
AEOI, PROVIDE HIM WITH THE 22 MARCH DRAFT TEXT OF THE
SUBJECT ARRANGEMENT AND REPORT HIS RESPONSE ASAP.
END SUMMARY.

2. EMBASSY REQUESTED TO CONTACT DR. FARZIN, THANK HIM FOR
HIS COMMENTS REPORTED REFTEL AND GIVE HIM THE FOLLOWING
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NRC COMMENTS, ALONG WITH THE DRAFT ARRANGEMENT TEXT AIR
MAILED TO EMBASSY SCIENCE COUNSELLOR 23 MARCH.

3. NRC REMARKS ON FARZIN COMMENTS ON DRAFT TEXT: A. WE
ACCEPT THE CHANGES PROPOSED BY AEOI TO PARA II.B. (ADMIN-
ISTRATION) EXCEPT THAT WE PROPOSE TO MODIFY THE LAST
SENTENCE SLIGHTLY AS FOLLOWS TO EMPHASIZE THAT EACH SIDE

WOULD PROVIDE ALL THE INFORMATION IT REASONABLY CAN ON NUCLEAR SAFETY MATTERS: QUOTE: THESE DETAILED ARRANGEMENTS ARE INTENDED TO ASSURE, AMONG OTHER THINGS, THAT THE MAXIMUM POSSIBLE EXCHANGE, PROVIDING ACCESS TO AVAILABLE INFORMATION FROM BOTH SIDES, IS ACHIEVED AND MAINTAINED.

END QUOTE. B. THE PROPOSED EXTENSION OF TIME FOR TERMINATION (TO 90 DAYS) IS ACCEPTED.

4. NRC REMARKS ON THE PROPOSED NRC STAFF ASSIGNMENT TO IRAN: THIS MATTER HAS BEEN DISCUSSED IN DETAIL WITHIN THE NRC STAFF. AS NOTED IN FEBRUARY, THIS PROPOSED DIRECT ASSIGNMENT OF NRC EXPERTS (THAT IS, NOT GOING THROUGH IAEA) WOULD BE A SIGNIFICANT DEPARTURE FROM OUR CURRENT POLICY. SUCH EFFORT HAS, IN ADDITION, NOT BEEN PROVIDED FOR IN OUR BUDGETING AND MANPOWER FORECASTING, AND WOULD HAVE TO BE CONSIDERED IN LIGHT OF SIMILAR REQUESTS OF OTHER GOVERNMENTS THAT HAVE BEEN TURNED DOWN IN THE PAST. THEREFORE, WE BELIEVE THIS ITEM SHOULD BE HANDLED SEPARATELY FROM THE ARRANGEMENT AND INCLUDED AS PART OF THE SCOPE OF THE CONSULTANCY SERVICES BEING PROPOSED BY AEOL. ACCORDINGLY, WE PROPOSE TO ADD THE FOLLOWING ITEM TO THE SCOPE AS PROPOSED IN THE FARZIN LETTER (PARA 5 OF REFTTEL): QUOTE: ASSIGNMENT OF 1-2 NRC STAFF MEMBERS TO WORK IN IRAN AS SAFETY EXPERTS IN LICENSING AND QUALITY ASSURANCE. END QUOTE. IF THIS CHANGE IN THE SCOPE IS APPROVED BY DR. FARZIN, THE NRC STAFF WILL TRANSMIT THIS CONSULTANCY CONTRACT SCOPE TO THE COMMISSION FOR ITS FORMAL CONSIDERATION. SINCE THIS UNCLASSIFIED

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CONSIDERATION, FOR THE ABOVE REASONS, IS EXPECTED TO TAKE SOME TIME, WE RECOMMEND THAT CONSULTANCY CONTRACT SCOPE BE CONSIDERED SEPARATELY FROM THE INFORMATION EXCHANGE ARRANGEMENT, THEREBY ALLOWING THE ARRANGEMENT TO BE COMPLETED EXPEDITIOUSLY.

5. OTHER SUBSTANTIVE NRC COMMENTS ON THE ARRANGEMENT: A. IN SECTION III.D (A) WE SUGGEST ADDING "CONSULTANTS" TO THE LIST OF THOSE TO WHOM PROPRIETARY INFORMATION MAY BE DISSEMINATED, IN THE INTEREST OF ASSURING THAT PROPER USE FOR PROTECTING THE PUBLIC SAFETY IS PERMITTED. B. IN SECTIONS II.G, III A, AND III.D (III) WE HAVE EXPANDED THE TEXT TO LIMIT TRANSMITTAL OF PROPRIETARY INFORMATION WHERE NATIONAL POLICIES AND AGREEMENTS WOULD REQUIRE SUCH LIMITATION. C. IN SECTION III.E, WE PROPOSE TO ELIMINATE THE REQUIREMENT FOR THE SENDER TO EXPLAIN WHY THE CONFIDENTIAL OR PRIVILEGED INFORMATION IS TO BE PROTECTED. WE BELIEVE THE CONFIDENTIALITY SHOULD BE HONORED EVEN WITHOUT SUCH AN EXPLANATION, ALTHOUGH SUCH EXPLANATIONS

COULD BE HELPFUL AND ARE ENCOURAGED. D. TO ALLOW, IF NECESSARY IN THE FUTURE, FOR APPOINTMENT OF COORDINATORS FOR DETAILED TOPICS OF EXCHANGE (SUCH AS RESEARCH INFORMATION FOR EXAMPLE) WE SUGGEST THE THIRD SENTENCE OF II.B TO BE CHANGED TO READ AS FOLLOWS: QUOTE: WITHIN THE TERMS OF THE EXCHANGE, THE ADMINISTRATORS SHALL BE THE MAIN CONTACT POINT FOR DEVELOPING THE SCOPE OF THE EXCHANGE,

INCLUDING AGREEMENT ON THE DESIGNATION OF NUCLEAR FACILITIES SUBJECT TO THE EXCHANGE AND ON SPECIFIC DOCUMENTS AND STANDARDS TO BE EXCHANGED. END QUOTE. ALSO THAT THE FOLLOWING BE INSERTED AS THE PENULTIMATE SENTENCE IN II.B: QUOTE: ONE OR MORE TECHNICAL COORDINATORS MAY BE APPOINTED AS DIRECT CONTACTS FOR SPECIFIC EXCHANGE TOPICS. END QUOTE. E. THE MARCH 22 DRAFT INCLUDES ADDENDUM "A", THE LIST OF NRC SAFETY RESEARCH PROJECTS, AND ADDENDUM "C", THE PATENTS ADDENDUM. AEOI SHOULD UNCLASSIFIED

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ATTACH ADDENDUM "B", THE LIST OF IRANIAN NUCLEAR SAFETY RESEARCH PROJECTS ABOUT WHICH NRC WILL RECEIVE INFORMATION. F. FINALLY, THE 22 MARCH TEXT IS PROPOSED AS A FINAL DRAFT. EACH LINE WHICH CONTAINS CHANGES FROM THE TEXT DISCUSSED ON FEBRUARY 22 HAS BEEN MARKED WITH AN ASTERISK. THESE INCLUDE THE CHANGES EXPLAINED ABOVE, AS WELL AS MANY PURELY EDITORIAL CHANGES.

6. EMBASSY IS REQUESTED TO ADVISE ASAP ANY COMMENTS THE AEOI MIGHT HAVE ON THIS FINAL DRAFT. IF NO NEW PROBLEMS ARISE, AN NRC REPRESENTATIVE TO THE SHIRAZ CONFERENCE (APRIL 10-13) WOULD BE AVAILABLE TO SIGN FOR THE NRC, AS SUGGESTED BY AEOI,(REFTEL PARA 4). WE WOULD APPRECIATE EMBASSY ASSISTANCE IN PROOF-READING THE SIGNATURE COPY, WHICH WE ASSUME AEOI WILL PREPARE. SUGGESTED DATES AND NAME OF SIGNING OFFICIAL WILL FOLLOW.
CHRISTOPHER

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